IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 11482 of 2004

Between:

N. Gangi Reddy, S/o. Ranga Reddy,
R/o. Cheruvu Muneppagaripalli, Kondakamarla Village, O.D.C. Mandal,
Ananthapur District.

..... PETITIONER

AND

1 The Mandal Parishad Development Officer, O.D.C. Mandal,

Ananthapur District.
2 The District Collector, Ananthapur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the inaction of the respondents without initiating the land acquisition proceedings for taking steps to acquire the lands (i.e. S.No.149-3 ext. 0.80 cents and S.No. 149-6 ext.3.50 cents) situated in Cheruvumuneppagaripalle, Kondakamarla Village, O.D.C. Mandal, Ananthapur District as arbitrary, illegal and violation of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to initiate the Land Acquisition Proceedings in accordance with L.A. Act and to pay a compensation and other benefits as per the provision of Land Acquisition Act.

Counsel for the Petitioner: MR. KUNCHEAMMAHESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.11482 OF 2004

ORDER:

The petitioner claims to be the owner of lands in Survey Nos.149-3 and 149-6 admeasuring Acs.0.80 and Acs.3.50 respectively in Cheruvumuneppagaripalle, Kondakamarla village, Obula Deva Cheruvu Mandal in Anantapur District. He alleges that first respondent is laying down the road in his land under 'Food for Work' programme without initiating proceedings under the Land Acquisition Act, 1894. Therefore, he filed the writ petition seeking a direction to the respondents to initiate proceedings under the Land Acquisition Act.

This Court admitted the writ petition on 07.07.2004 and ordered *status quo*. The respondents have now moved W.V.M.P.No.2528 of 2004 to vacate the interim order. Though the interlocutory matters are listed, with the consent of the both the learned counsel, the matter was heard finally and the writ petition itself is being disposed of.

In the counter affidavit filed along with the vacate stay application, it is stated that the respondents are laying down road in Survey No.142 and not in Survey No.149-3 and 149-6 of Kondakamarla village. In that view of the matter, it must be held that the writ petition is filed without proper cause of action.

Recording the averment made in the counter affidavit of Mandal Revenue Officer, the writ petition is dismissed.

(V.V.S.RAO,J)

29.09.2004.

pln

To

1. The Mandal Parishad Development Officer, O.D.C.Mandal, Ananthapur Dist.
2. The District Collector, Ananthapur, Ananthapur Dist.
3. 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.